

Application No. 10/737,355

Remarks

Applicants thank the Examiner for his careful consideration of the application.

Claims 1 – 27 are pending in the application.

Claim Objections

Claims 23 and 24 were previously objected to by the Examiner for informalities because they were dependent upon themselves and appropriate action was taken by the applicant to fix the problem. Now Claim 16 is directed to an ink loader and claims 23 and 24 is directed to a drop plate and therefore will need additional correction.

Applicant has made the appropriate amendments to these claims.

Claim Rejections - 35 USC § 102

The Examiner rejected claims 1 - 3, 6 - 8, 12 – 19, 22, 23, 26 and 27 under 35 USC § 102(e) as being anticipated by Jones et al (US Patent No. 6,530,655) ("Jones"). Applicant respectfully traverses these rejections.

In claim 1, Applicant recites a drip plate for use in a phase change ink jet printer using solid ink. The drip plate includes an upper portion and a lower pointed portion. The lower portion is not coplanar with the upper portion.

In claim 16, Applicant recites an ink loader for a phase change ink printer. The ink loader includes at least one channel having an entry end and an exit end and a melt assembly. The melt assembly includes a drip plate, a melt plate fastened to the upper second side of the drip plate, and a heating device thermally connected to one of the melt plate and the drip plate. The drip plate includes an upper portion having substantially flat upper first and second sides and a lower pointed portion having substantially flat lower first and second sides. The lower portion is not coplanar with the upper portion.

The Rejection to claims 1 and 16 should be withdrawn as the Examiner has not established that the prior art discloses all the elements of either claim 1 or claim 16. Specifically, the Examiner has not established that the prior art discloses a drip plate having a lower portion that is not coplanar with its upper portion. Jones shows a drip plate with a

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tapered angled lower portion. However, the lower portion is always coplanar with the upper portion. Therefore, Jones does not anticipate the present application.

The Examiner asserts that this feature is shown and described in Jones. Specifically, the Examiner cites claim 4 of Jones to support his assertion. The claim cited by the Examiner states that a bottom of a drip plate is angled for directing molten ink downwardly into an appropriate reservoir. First, while Applicant understands that claims are part of the specification, when claim language is used in a rejection it should be read in terms of the written description. A claim is assumed to be supported by the written description and drawings. The written description and drawings describe and show a drip plate whose lower portion comes to a point. Nowhere in the description and drawings does it show a lower pointed portion non-planar with an upper portion. If the Examiner cannot provide any support for an alternative reading of claim 4 of Jones, then "angling a bottom of said plate" should be read as referring to the triangular shape of the lower portion and not a bent tip as applicant has claimed. Therefore, the Examiner's reading of claim 4 of Jones is inaccurate, and claim 4 of Jones does not anticipate claims 1 and 16 of the present application.

Claims 3, 6 – 8, 12 – 15, 17 – 19, 23, and 26-27 should be allowed if claims 1 and 16 are allowed as claims 3, 6 – 8, and 12 – 15 depend from claim 1 and claims 17 – 19, 23, and 26 – 27 depend from claim 16.

Claim Rejections – 35 USC § 103

The Examiner rejected claims 4 and 24 under 35 USC § 103(a) as being unpatentable over Jones in view of Alavizadeh et al (US Patent No. 5,424,767) ("Alavizadeh"). Applicant respectfully traverses these rejections.

The Examiner should allow claims 4 and 24 if claims 1 and 16 are allowed as claims 4 and 24 depend from claims 1 and 16 and include all the limitations of claims 1 and 16, respectively. The Examiner relies upon Jones to disclose a drip plate with a lower portion that is not coplanar with its upper portion. Jones does not show this. All the drip plates in Jones are shown with coplanar upper and lower portions. The Examiner has also not

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pointed to where this limitation is present in Alavizadeh. Therefore, the Examiner has failed to establish a prima facie case of obviousness with respect to claims 4 and 24.

Claims 9 and 20 are rejected under 35 USC § 103(a) as being unpatentable over Jones in view of Scheuhing (US Patent No. 5,832,835) ("Scheuhing"). Applicant respectfully traverses these rejections.

The Examiner should allow claims 9 and 20 if claim 1 is allowed as claims 9 and 20 depend from claims 1 and 16 and include all the limitations of claims 1 and 16. The Examiner relies upon Jones to disclose a drip plate with a lower portion that is not coplanar with its upper portion. Jones does not show this. All the drip plates in Jones are shown with coplanar upper and lower portions. The Examiner has also not pointed to where this limitation is present in Scheuhing. Therefore, the Examiner has failed to establish a prima facie case of obviousness with respect to claims 9 and 20.

The Examiner rejected claims 10 and 21 under 35 USC § 103(a) as being unpatentable over Jones in view of Scheuhing, as applied to claims 9 and 20 above and further in view of Gragg et al (US Patent No. 5,467,118) ("Gragg"). Applicant respectfully traverses these rejections.

The Examiner should allow claims 10 and 21 if claim 1 and 16 are allowed as claims 10 and 21 depend from claims 1 and 16 and include all the limitations of claims 1 and 16. The Examiner relies upon Jones to disclose a drip plate with a lower portion that is not coplanar with its upper portion. Jones does not show this. All the drip plates in Jones are shown with coplanar upper and lower portions. The Examiner has also not pointed to where this limitation is present in Scheuhing. The Examiner has also not pointed to where this limitation is disclosed in Gragg. Therefore, the Examiner has failed to establish a prima facie case of obviousness with respect to claims 10 and 21.

Allowable Subject Matter

Claims 5, 11 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the

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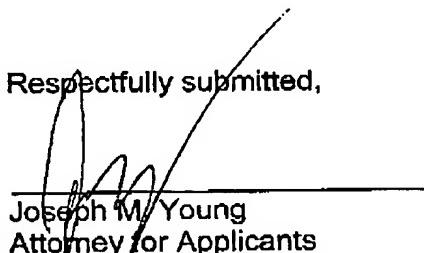
base claim and any intervening claims. Applicant has chosen not to rewrite claims 5, 11 and 25 in view of the arguments applicant has made with respect to the base claims.

Conclusion

No additional fee is believed to be required for this amendment. However, the undersigned Xerox Corporation attorney hereby authorizes the charging of any necessary fees, other than the issue fee, to Xerox Corporation Deposit Account No. 24-0025. This also constitutes a request for any needed extension of time and authorization to charge all fees therefor to Xerox Corporation Deposit Account No. 24-0025.

A telephone interview is respectfully requested at the number listed below prior to any further Office Action, i.e., if the Examiner has any remaining questions or issues to address after this paper. The undersigned will be happy to discuss any further Examiner-proposed amendments as may be appropriate.

Respectfully submitted,


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